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Union Calendar No. 418

96TH CONGRESS
2D SESSION

H. R. 6410

[Report No. 96-835]

To reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1980

Mr. BROOKS (for himself, Mr. HORTON, Mr. PREYER, and Mr. STEED) introduced the following bill; which was referred to the Committee on Government Operations

MARCH 19, 1980

Additional sponsors: Mr. QUILLEN, Mr. LONG of Maryland, Mr. LEHMAN, Mr. WHITEHURST, Mr. FASCELL, Mr. BEVILL, Mr. HINSON, Mr. STUMP, Mr. HUGHES, Mr. GLICKMAN, Mr. CLINGER, Mr. PEPPER, Mr. LaFALCE, Mr. EVANS of Georgia, Mr. CHARLES WILSON of Texas, Mr. PATTEN, Mr. DAN DANIEL, Mr. HANSEN, Mr. CAVANAUGH, Mr. GEPHARDT, Mr. ALBOSTA, Mr. EDWARDS of Oklahoma, Mr. MICA, Mr. AKAKA, Mr. COELHO, Mr. YATRON, Mr. HAMILTON, Mr. DICKS, Mr. VENTO, Mr. MONTGOMERY, Mr. SMITH of Iowa, Mr. NEAL, Mr. OBERSTAR, Mr. MINETA, Mr. HANCE, Mr. DOWNEY, Mr. BEDELL, Mr. FAZIO, Mr. RINALDO, Mr. COERMAN, Mr. PANETTA, Mr. FITHIAN, Mr. GREEN, Mr. ROSE, Mrs. BYRON, Mr. SEIBERLING, Mr. GILMAN, Mrs. BOGGS, and Mr. LAGOMARSINO

MARCH 19, 1980

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 5, 1980]

A BILL

To reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 *That this Act may be cited as the "Paperwork Reduction Act*
 4 *of 1980".*

5 *SEC. 2. (a) Title 44 of the United States Code is*
 6 *amended by striking out chapter 35 and inserting in its place*
 7 *the following new chapter:*

8 **"CHAPTER 35—COORDINATION OF FEDERAL**
 9 **INFORMATION POLICY**

"Sec.

"3501. Purpose.

"3502. Definitions.

"3503. Office of Federal Information Policy.

"3504. Authority and functions of Director.

"3505. Assignment of tasks and deadlines.

"3506. Federal agency responsibilities.

"3507. Public information collection activities—submission to Director; approval and delegation.

"3508. Determination of necessity for information; hearing.

"3509. Designation of central collection agency.

"3510. Cooperation of agencies in making information available.

"3511. Establishment and operation of Federal Information Locator System.

"3512. Penalty for failure to furnish information.

"3513. Director review of agency activities; reporting; agency response.

"3514. Responsiveness to Congress.

"3515. Administrative powers.

"3516. Rules and regulations.

"3517. Consultation with other agencies and the public.

"3518. Effect on existing laws and regulations.

"3519. Access to information.

"3520. Authorization of appropriations.

10 **"§ 3501. Purpose**

11 *"It is the purpose of this chapter to ensure that—*

1 “(1) Federal information policies and practices
2 shall be coordinated and integrated with each other and
3 shall be uniform, as far as practicable, throughout the
4 Federal Government;

5 “(2) information needed by agencies shall be ob-
6 tained with a minimum burden upon persons and enti-
7 ties required to furnish the information, and obtained,
8 used, and disseminated at a minimum cost to the Gov-
9 ernment;

10 “(3) information collected and tabulated by an
11 agency shall, as far as practicable, be maintained in a
12 manner to maximize the usefulness of the information
13 to Congress, agencies, and the public;

14 “(4) the collection, maintenance, use, and dis-
15 semination of personal information by agencies shall
16 be consistent with the Privacy Act of 1974 and other
17 applicable laws; and

18 “(5) automatic data processing and telecommuni-
19 cations technology shall be acquired and used in a
20 manner which improves service delivery and program
21 management, increases productivity, reduces waste and
22 fraud, and, where possible, reduces the information
23 processing burden on the public and private sectors.

24 **“§ 3502. Definitions**

25 **“As used in this chapter, the term—**

*AC/AOP
suggestion
↓
define
program*

1 “(1) ‘agency’ means any executive department,
2 military department, Government corporation, Govern-
3 ment controlled corporation, or other establishment in
4 the executive branch of the Government (including the
5 Executive Office of the President), or any independent
6 regulatory agency; but does not include the General
7 Accounting Office or the governments of the District of
8 Columbia and of the territories and possessions of the
9 United States, and their various subdivisions;

10 “(2) ‘collection of information’ means the obtain-
11 ing or soliciting of facts or opinions for any purpose by
12 an agency by the use of written report forms, applica-
13 tion forms, schedules, questionnaires, reporting or rec-
14 ordkeeping requirements, or other similar methods call-
15 ing for either—

16 “(A) answers to identical questions posed to,
17 or identical reporting or recordkeeping require-
18 ments imposed on, (ten) or more persons, or

19 “(B) answers to questions posed (to) agencies
20 of the United States which are to be used for gen-
21 eral statistical purposes;

22 “(3) ‘data element’ means a distinct piece of in-
23 formation such as a name, term, number, abbreviation,
24 or symbol;

1 “(4) ‘data element dictionary’ means a system
2 containing standard and uniform definitions and cross
3 references for commonly used data elements;

4 “(5) ‘data profile’ means a synopsis of the ques-
5 tions contained in an information collection request,
6 and also such related items as the official name of the
7 request, the location of information obtained through
8 such request, a description of any compilations, analy-
9 ses, or reports derived from such information, any
10 record retention requirements associated with such re-
11 quest, the agency responsible for such request, the au-
12 thorizing statute, and other information necessary to
13 identify, access, and use the data contained in such
14 information;

15 “(6) ‘Director’ means the Director of the Office of
16 Management and Budget;

17 “(7) ‘directory of information resources’ means a
18 catalog of information collection requests, containing a
19 data profile for each request;

20 “(8) ‘independent regulatory agency’ means the
21 Board of Governors of the Federal Reserve System,
22 the Civil Aeronautics Board, the Commodity Futures
23 Trading Commission, the Consumer Product Safety
24 Commission, the Federal Communications Commis-
25 sion, the Federal Deposit Insurance Corporation, the

1 *Federal Election Commission, the Federal Energy*
 2 *Regulatory Commission, the Federal Home Loan*
 3 *Bank Board, the Federal Maritime Commission, the*
 4 *Federal Trade Commission, the Interstate Commerce*
 5 *Commission, the Mine Enforcement Safety and*
 6 *Health Review Commission, the National Labor Rela-*
 7 *tions Board, the Nuclear Regulatory Commission, the*
 8 *Occupational Safety and Health Review Commission,*
 9 *the Postal Rate Commission, and the Securities and*
 10 *Exchange Commission, and other similar agencies des-*
 11 *ignated by statute as independent regulatory establish-*
 12 *ments of the Federal Government;*

13 *"(9) 'information collection request' means a writ-*
 14 *ten report form, application form, schedule, question-*
 15 *naire, or other reporting or recordkeeping requirement*
 16 *for the collection of information;*

17 *"(10) 'information referral service' means the*
 18 *function that assists officials and citizens in obtaining*
 19 *access to the Federal Information Locator System;*

20 *"(11) 'person' means an individual, partnership,*
 21 *association, corporation, business trust, or legal repre-*
 22 *sentative, an organized group of individuals, a State,*
 23 *territorial, or local government or branch thereof, or a*
 24 *political subdivision of a State, territory, or local gov-*
 25 *ernment or a branch of a political subdivision; and*

"icy"

1 “(12) ‘recordkeeping requirement’ means a re-
2 quirement imposed by an agency on persons to main-
3 tain specified records.

4 **“§ 3503. Office of Federal Information Policy**

5 “(a) There is established in the Office of Management
6 and Budget an office to be known as the Office of Federal **O/FIP**
7 Information Policy.

8 “(b) There shall be at the head of the Office an Admin-
9 istrator who shall be appointed by, and who shall report di-
10 rectly to, the Director. The Director shall delegate to the Ad-
11 ministrator the authority and responsibility to administer all
12 functions under this chapter. The Administrator shall serve
13 as principal adviser to the Director on Federal information
14 policy.

15 **“§ 3504. Authority and functions of Director**

16 “(a) The Director shall provide overall direction in the
17 development and implementation of Federal information poli-
18 cies, principles, standards, and guidelines, including review
19 and approval of information collection requests, the reduction
20 of the paperwork burden placed on the public, Federal statis-
21 tical activities, records management activities, privacy of rec-
22 ords pertaining to individuals, interagency sharing of infor- **P.8**
23 mation, and acquisition and use of automatic data processing
24 and other technology for managing information resources.

1 “(b) The general information policy functions of the Di-
2 rector shall include—

3 “(1) developing and establishing uniform infor-
4 mation resources management policies and overseeing
5 the development of information management principles,
6 standards, and guidelines and promoting their use;

7 “(2) initiating and reviewing proposals for
8 changes in legislation, regulations, and agency proce-
9 dures to improve information practices, and informing
10 the President and the Congress on the progress made
11 in effecting such changes;

12 “(3) coordinating, through the review of budget
13 proposals and otherwise, agency information practices;

14 “(4) promoting, through the use of the Federal In-
15 formation Locator System and the review of budget
16 proposals, and otherwise, greater agency sharing of in-
17 formation (consistent with applicable laws) to enhance
18 the usefulness of the information and limit the report-
19 ing burden on the public;

20 “(5) evaluating the agencies' information prac-
21 tices to determine their adequacy, efficiency, and com-
22 pliance with policies, principles, standards, and guide-
23 lines promulgated by the Director; and

1 “(6) overseeing the planning of, and the conduct
2 of research with respect to, Federal information collec-
3 tion, processing, storage, transmission, and use.

4 “(c) The information collection request clearance and
5 other paperwork functions of the Director shall include—

6 “(1) reviewing and approving information collec-
7 tion requests proposed by agencies;

8 “(2) determining whether the collection of infor-
9 mation by an agency is necessary for the proper per-?
10 formance of the functions of the agency and has practi-
11 cal utility for the agency;

12 “(3) designating, in accordance with section
13 3509, a collection agency to obtain information for two
14 or more agencies;

15 “(4) setting goals for reductions of the numbers
16 and burdens of Federal information collection requests;

17 “(5) overseeing action on the recommendations of
18 the Commission on Federal Paperwork; and

19 “(6) designing and operating the Federal Infor-
20 mation Locator System in accordance with section
21 3511.

22 “(d) The statistical policy and coordination functions of
23 the Director shall include—

1 “(1) developing, in conjunction with the agencies,
2 long range plans for the improved performance of Fed-
3 eral statistical activities and programs;

4 “(2) coordinating, through the review of budget
5 proposals and otherwise, the functions of the Govern-
6 ment with respect to gathering, interpreting, and dis-
7 seminating statistics and statistical information;

8 “(3) overseeing the establishment of Government-
9 wide policies, principles, standards, and guidelines cov-
10 ering statistical collection procedures and methods, sta-
11 tistical data classifications, and statistical information
12 presentation and dissemination; and

13 “(4) evaluating statistical program performance
14 and agencies' compliance with Government-wide poli-
15 cies, principles, standards, and guidelines.

16 “(e) The records management functions of the Director
17 shall include—

18 “(1) providing advice and assistance to the Ad-
19 ministrators of General Services to promote coordina-
20 tion in the administration of chapters 29, 31, and 33
21 of this title with the information policies, principles,
22 standards, and guidelines established under this
23 chapter;

24 “(2) reviewing compliance by Federal agencies
25 with the requirements of chapters 29, 31, and 33 of

1 *this title and with regulations promulgated by the*
 2 *Administrator of General Services thereunder; and*

3 *“(3) coordinating records management policies*
 4 *and programs with related information programs such*
 5 *as information collection, statistics, automatic data*
 6 *processing and telecommunications, and similar*
 7 *activities.*

8 *“(f) The privacy functions of the Director shall*
 9 *include—*

10 *“(1) overseeing the development of and promulgat-*
 11 *ing policies, principles, standards, and guidelines on*
 12 *information disclosure and confidentiality, and on*
 13 *safeguarding the security of information collected or*
 14 *maintained by agencies, or in conjunction with Fed-*
 15 *eral programs;*

16 *“(2) providing agencies with advice and guidance*
 17 *about information security, restriction, exchange, and*
 18 *disclosure; and*

19 *“(3) monitoring compliance with the Privacy Act*
 20 *of 1974 (5 U.S.C. 552a) and related information*
 21 *management laws.*

22 *✱ “(g) The automatic data processing and telecommunica-*
 23 *tions functions of the Director shall include—*

24 *“(1) establishing policies, principles, standards,*
 25 *and guidelines for automatic data processing and tele-*

D/O/FIP (p.7.)

12

1 communications functions and activities,) and (oversee-
 2 ing the establishment of standards under section 111(f)
 3 of the Federal Property and Administrative Services
 4 Act of 1949 (40 U.S.C. 759(f));)

5 "(2) monitoring the effectiveness of, and compli-
 6 ance with, directives issued pursuant to sections 110
 7 and 111 of the Federal Property and Administrative
 8 Services Act of 1949 (40 U.S.C. 757, 759) and re-
 9 viewing proposed determinations under section 111(g)
 10 of such Act;

— consultation —

11 "(3) providing, in coordination with the Adminis-
 12 trator of General Services, advice and guidance on the
 13 acquisition and use of automatic data processing and
 14 telecommunications equipment, and coordinating, ~~with~~
 15 through the review of budget proposals and otherwise,
 16 agency proposals for acquisition and use of such equip-
 17 ment; and

+ new (4)

18 "(4) promoting the use of automatic data process-
 19 ing and telecommunications equipment to improve the
 20 effectiveness of the use and dissemination of data in
 21 the operation of Federal programs; and

22 "(5) initiating and reviewing proposals for
 23 changes in legislation, regulations, and agency proce-
 24 dures to improve automatic data processing and tele-
 25 communications practices, and informing the President

policy

+ transfer
 40 USC 759
 provisions
 from GRS
 Administrator
 to D/O/FIP
 Note -
 40 USC 759
 (a)(2)
 Nat'l Sec.
 delegation

1 and the Congress of the progress made in effecting
2 such changes.

3 "(h) Other functions of the Director shall include ensur-
4 ing that, in developing rules and regulations, agencies—

5 "(1) utilize efficient methods to collect, use, and
6 disseminate necessary information;

7 "(2) provide an early and substantial opportunity
8 for the public to comment on proposed means of collect-
9 ing information related to such rules and regulations;
10 and

11 "(3) make assessments of the consequences of al-
12 ternative methods of implementing the statutory goals
13 of such rules and regulations (including alternative
14 methods of collecting information).

15 "(i) In any review of regulations by the Director au-
16 thorized by law, the Director shall consider the relationship
17 of such regulations to the policies, principles, standards, and
18 guidelines established under this chapter.

19 "§ 3505. Assignment of tasks and deadlines

20 "In carrying out the authority and functions assigned
21 by this chapter, the Director shall—

22 "(1) within one year after the date of enactment
23 of the Paperwork Reduction Act of 1980—

24 "(A) establish standards and requirements
25 for agency audits of all major information sys-

by GAO?

14

1 tems, assign the responsibility for conducting such
2 audits, and assign the responsibility for conduct-
3 ing Government-wide or multiagency audits;]

4 "(B) establish the Federal Information Lo-
5 cator System;

6 "(C) identify areas of duplication in infor-
7 mation collection requests and develop a schedule
8 and methods for eliminating the duplication; and

9 "(D) develop a proposal to augment the Fed-
10 eral Information Locator System to include data *
11 profiles of major information holdings of agencies *
12 (used in the conduct of their operations) which are
13 not otherwise required by this chapter to be in-
14 cluded in the System; and

15 "(2) within two years after such date of enact-
16 ment—

17 "(A) establish a schedule and a management
18 control system (including policies, principles,
19 standards, and guidelines) to ensure that practices
20 and programs of the various information handling
21 disciplines, such as records management, are ap-
22 propriately integrated with each other, and with
23 the broad information policies established by this
24 chapter;

15

1 “(B) identify initiatives which may achieve
2 substantial productivity improvement in Federal
3 operations using information processing
4 technology;

5 “(C) develop a program to (i) enforce Feder-
6 al information processing standards, particularly
7 language standards, at all Federal installations;
8 and (ii) revitalize the standards development pro-
9 gram, separating it from peripheral technical as-
10 sistance functions and directing it to the most pro-
11 ductive areas;

12 “(D) complete action on recommendations of
13 the Commission on Federal Paperwork, including
14 development of legislation necessary to implement
15 such recommendations;

16 “(E) develop, in consultation with the Ad-
17 ministrator of General Services, a five-year plan
18 for meeting the automatic data processing and
19 telecommunications needs of the Federal Govern-
20 ment in accordance with the requirements of sec-
21 tion 111 of the Federal Property and Administra-
22 tive Services Act of 1949 (40 U.S.C. 759) and
23 the purposes of the Paperwork Reduction Act of
24 1980; and

- based on an Agency's plans -

1 “(F) submit to the President and the Con-
2 gress legislative proposals to remove inconsisten-
3 cies in laws and practices involving privacy, con-
4 fidentiality, and disclosure of information.

5 **“§ 3506. Federal agency responsibilities**

6 “(a) Each agency shall be responsible for carrying out
7 its information management activities in an efficient, effec-
8 tive, and economical manner, and for complying with the in-
9 formation policies, principles, standards, and guidelines pre-
10 scribed by the Director.

11 “(b) The head of each agency shall designate, within
12 three months of the date of enactment of the Paperwork Re-
13 duction Act of 1980, a senior official who reports directly to
14 such agency head to carry out the responsibilities of the
15 agency under this chapter.

16 “(c) Each agency shall—

17 “(1) systematically inventory its major informa-
18 tion systems and periodically review its information
19 management activities, including planning, budgeting,
20 organizing, directing, training, promoting, controlling,
21 and other managerial activities involving the collection,
22 use, and dissemination of information;

23 “(2) take steps to ensure that its information sys-
24 tems do not overlap each other or duplicate those of
25 other agencies;

acquisition, procurement

1 “(3) develop procedures for assessing the paper-
2 work and reporting burden of its information collection
3 activities and of proposed legislation and regulations
4 related to such agency; and

5 [“(4) assign to the official designated under sub-
6 section (b) the responsibility for the conduct of and ac-
7 countability for any acquisitions made pursuant to a
8 delegation of authority under section 111 of the Feder-
9 al Property and Administrative Services Act of 1949
10 (40 U.S.C. 759).]

*delegation
authority
remain
unchanged*

11 “(d) The head of each agency shall establish such proce-
12 dures as he may deem necessary to ensure the compliance of
13 his agency with the requirements of the Federal Information
14 Locator System, including necessary screening and compli-
15 ance activities.

16 “§ 3507. Public information collection activities—submission
17 to Director; approval and delegation

18 “(a) An agency shall not conduct or sponsor the collec-
19 tion of information unless, in advance of adoption or revision
20 of the request for collection of such information—

21 “(1) the agency has taken appropriate steps, in-
22 cluding consultation with the Director (A) to eliminate
23 information collections which seek to obtain informa-
24 tion available from another source within the Federal
25 Government (through the use of the Federal Informa-

18

tion Locator System and other means), (B) to reduce the compliance burden on respondents, and (C) to formulate plans for tabulating the information in a manner which will enhance its usefulness to other agencies and to the public;

"(2) the agency has submitted to the Director the proposed information collection request, copies of pertinent regulations and of other related materials as the Director may specify, and an explanation of measures taken to satisfy paragraph (1) of this section, and has caused a notice of such submission to be published in the Federal Register; and

"(3) the Director has approved the proposed information collection request, or sufficient time has elapsed as provided under subsection (c).

"(b) Any disapproval, in whole or in part, under subsection (a) of a proposed information collection request of an independent regulatory agency may be voided if the agency, by a majority vote of its members, overrides the Director's decision.

"(c) The Director shall, within sixty days of receipt of a proposed information collection request, notify the agency involved of his decision to approve or disapprove the request. If the Director determines that a request submitted for review cannot be reviewed within sixty days, he may, after notice to

Director
has approval
disapproval
authority

1 the agency involved, extend the review period for an addition-
 2 al thirty days. If the Director does not notify the agency of
 3 an extension, denial, or approval within sixty days (or, if he
 4 has extended the review period for an additional thirty days
 5 and does not notify the agency of a denial or approval within
 6 the time of the extension), his approval may be inferred and
 7 the agency may collect the information for not more than one
 8 year.

9 “(d) No approval of an information collection request
 10 shall be valid for a period of more than three years.

11 “(e) If the Director finds that a senior official designat-
 12 ed pursuant to section 3506(b) has independence from any ?
 13 program responsibility and has sufficient resources to evalu-
 14 ate whether proposed information collection requests should
 15 be approved, the Director may, by rule subject to the notice
 16 and comment provisions of chapter 5 of title 5, delegate to
 17 such official his power to approve proposed requests in specif-
 18 ic program areas, for specific purposes, or for all agency pur-
 19 poses. Such delegation shall not preclude the Director from
 20 reviewing individual information collection requests if the
 21 Director determines that circumstances warrant such a
 22 review. The Director shall retain authority to revoke such
 23 delegations of power, both in general and with regard to any
 24 specific matter. In acting for the Director, any official to
 25 whom approval powers have been delegated shall comply

1 fully with the rules and regulations promulgated by the Di-
2 rector.

3 "(f) No agency shall be exempt from the requirements of
4 this chapter.

5 **"§ 3508. Determination of necessity for information;**
6 **hearing**

7 "Before approving a proposed information collection re-
8 quest, the Director shall determine whether the collection of
9 information by an agency is necessary for the proper per-
10 formance of the functions of the agency and has practical
11 utility for the agency. Before making a determination the
12 Director may give the agency and other interested persons an
13 opportunity to be heard or to submit statements in writing.
14 To the extent, if any, that the Director determines that the
15 collection of information by an agency is unnecessary, for
16 any reason, the agency may not engage in the collection of
17 the information.

18 **"§ 3509. Designation of central collection agency**

19 "The Director may designate a collection agency to
20 obtain information for two or more agencies if the Director is
21 of the opinion that the needs of such agencies for information
22 will be adequately served by a single collection agency, and
23 (such) sharing of data is not inconsistent with any applicable
24 law. In such cases the Director shall prescribe (with refer-
25 ence to the collection of information) the duties and functions

limited to
where
one collection
agency is
appointed

1 of the collection agency so designated and of the agencies for
2 which it is to act as agent (including reimbursement for
3 costs). While the designation is in effect, an agency covered
4 by it may not obtain for itself information which it is the
5 duty of the collection agency to obtain. The Director may
6 modify the designation from time to time as circumstances
7 require.

8 **"§ 3510. Cooperation of agencies in making information**
9 **available**

10 "(a) The Director may direct an agency to make availa-
11 ble to another agency ~~information obtained pursuant to an~~
12 ~~information collection request if~~

13 "(1) ~~the disclosure is not inconsistent with any~~
14 ~~applicable law;~~

15 "(2) it is disclosed in the form of statistical totals
16 ~~or summaries (or)~~

17 "(3) ~~the person who supplied the information con-~~
18 ~~sents to such disclosure.~~

19 "(b) If information obtained by an agency is released
20 by that agency to another agency, all the provisions of law
21 (including penalties which relate to the unlawful disclosure
22 of information) apply to the officers and employees of the
23 agency to which information is released to the same extent
24 and in the same manner as the provisions apply to the offi-
25 cers and employees of the agency which originally obtained

1 the information. The officers and employees of the agency to
 2 which the information is released, in addition, shall be sub-
 3 ject to the same provisions of law, including penalties, relat-
 4 ing to the unlawful disclosure of information as if the infor-
 5 mation had been collected directly by that agency.

6 **"§ 3511. Establishment and operation of Federal Informa-**
 7 **tion Locator System**

8 "(a) There is hereby established in the Office of Federal
 9 Information Policy a Federal Information Locator System **FILE**
 10 (hereinafter in this section referred to as the 'System') com-
 11 posed of a directory of information resources, a data element
 12 dictionary, and an information referral service. The System
 13 shall serve as the authoritative register of all information col-
 14 lection requests.

15 "(b) In designing and operating the System, the Direc-
 16 tor shall—

17 "(1) design and operate an indexing system for
 18 the System;

19 "(2) promulgate rules requiring the head of each
 20 agency to prepare in a form specified by the Director,
 21 and to submit to the Director for inclusion in the
 22 System, a data profile for each information collection
 23 request of such agency;

24 "(3) compare data profiles for proposed informa-
 25 tion collection requests against existing profiles in the

23

1 System, and make available the results of such com-
2 parison to—

3 “(A) agency officials who are planning new
4 information collection activities; and

5 “(B) on request, members of the general
6 public; and

7 “(4) ensure that no actual data, except descriptive
8 data profiles necessary to identify duplicative data or
9 to locate information, are contained within the System.

NB →

10 “§ 3512. Penalty for failure to furnish information

11 “Notwithstanding any other provision of law, no person
12 shall be subject to any penalty for failing to provide informa-
13 tion to any agency if the information collection request in-
14 volved was made after December 31, 1981, in violation of
15 section 3507.

16 “§ 3513. Director review of agency activities; reporting;
17 agency response

18 “(a) The Director shall, with the advice and assistance
19 of the Administrator of General Services, review, at least
20 once every three years, by means of selective inspections, the
21 information management activities of each agency to ascer-
22 tain their adequacy and efficiency. In evaluating the adequa-
23 cy and efficiency of these activities, the Director shall pay
24 particular attention to whether the agency has complied with
25 section 3506.

(a)

24

agency compliance
with this
chapter

1 “(b) The Director shall report the results of the inspec-
2 tions] to the appropriate agency head, the House Committee
3 on Government Operations, the Senate Committee on Gov-
4 ernmental Affairs, the House and Senate Committees on Ap-
5 propriations, and committees of the Congress having jurisdic-
6 tion over legislation relating to the operations of the agency
7 involved.

8 “(c) Each agency which receives a report pursuant to
9 subsection (b) shall, within sixty days thereafter, prepare
10 and submit to the Director, the House Committee on Govern-
11 ment Operations, the Senate Committee on Governmental
12 Affairs, the House and Senate Committees on Appropri-
13 ations, and the committees of the Congress having jurisdic-
14 tion over legislation relating to its operations, a written state-
15 ment describing any measures taken to alleviate or remove
16 any problems or deficiencies identified in such report.

17 **“§ 3514. Responsiveness to Congress**

18 “(a) The Director shall keep the Congress and its com-
19 mittees fully and currently informed of the major activities
20 under this chapter, and shall submit a report thereon to the
21 President of the Senate and the Speaker of the House of
22 Representatives annually and at such other times as may be
23 necessary for this purpose. The Director shall include in such
24 reports—

1 “(1) proposals for legislative changes needed to
2 improve Federal information management, including,
3 with respect to information collection, recommendations
4 to ease the burden upon individuals and small organi-
5 zations;

6 “(2) a compilation of legislative impediments to
7 the collection of information which the Director con-
8 cludes that an agency needs but does not have author-
9 ity to collect;

10 “(3) an analysis by agency, and by such other
11 categories as he may deem useful, describing the com-
12 pliance burden of information collection requests of
13 agencies on persons outside the Federal Government,
14 as well as the costs to agencies;

15 “(4) a summary of accomplishments to reduce the
16 burden of complying with Federal information collec-
17 tion requests by such means as reducing the time, cost,
18 complexity, and incomprehensibility of Federal paper-
19 work;

20 “(5) a tabulation of areas of duplication in
21 agency information collection requests identified during
22 the preceding year and any designations of central col-
23 lection agencies made to preclude the collection of du-
24 plicate information;

1 “(6) a list of all violations of provisions of this
2 chapter and rules, regulations, guidelines, policies, and
3 procedures issued pursuant to this chapter; and

4 “(7) with respect to recommendations of the Com-
5 mission on Federal Paperwork—

6 “(A) the specific actions taken on each rec-
7 ommendation which has been completely imple-
8 mented;

9 “(B) the major actions still required to im-
10 plement each remaining recommendation and the
11 target date for completing each such action;

12 “(C) a detailed assessment of the status of
13 and progress on each such action; and

14 “(D) an explanation of any delays and ac-
15 tions required to overcome these delays.

16 “(b) The preparation of these reports shall not increase
17 the burden on persons outside the Federal Government of
18 responding to mandatory requests for information.

19 **“§ 3515. Administrative powers**

20 “(a) Upon the request of the Director, each agency
21 (other than an independent regulatory agency) shall make its
22 services, personnel, and facilities available to the Director for
23 the performance of functions under this chapter.

24 “(b) Upon the request of the Director, each agency shall,
25 ~~except when prohibited by law, furnish to the Director and~~

1 give him access to all information in its possession which the
 2 Director may determine to be necessary for the performance
 3 of functions under this chapter.

4 "§ 3516. Rules and regulations

5 "The Director shall promulgate rules and regulations
 6 necessary to exercise the authority provided by this chapter.

7 "§ 3517. Consultation with other agencies and the public

8 "In the development of information policies, rules, regu-
 9 lations, procedures, and forms, the Director shall, from the
 10 beginning of each initiative, consult with persons outside the
 11 Federal Government and the agencies affected.

12 "§ 3518. Effect on existing laws and regulations

13 "The authority of an agency under any other law to
 14 prescribe policies, rules, regulations, procedures, and forms
 15 for Federal information activities is subject to the authority
 16 conferred on the Director by this chapter.

17 "§ 3519. Access to information

18 "The Director and personnel in the Office of Federal
 19 Information Policy shall furnish such information as the
 20 Comptroller General may require for the discharge of his
 21 responsibilities. For this purpose, the Comptroller General or
 22 his representatives shall have access to all books, documents,
 23 papers, and records of that Office. — VL3., Q/FIP

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1 ***"§ 3520. Authorization of appropriations***

2 *"There are hereby authorized to be appropriated to*
3 *carry out the provisions of this chapter, and for no other*
4 *purpose—*

5 *"(1) not to exceed \$8,000,000 for the fiscal year*
6 *ending September 30, 1981;*

7 *"(2) not to exceed \$8,500,000 for the fiscal year*
8 *ending September 30, 1982;*

9 *"(3) not to exceed \$9,000,000 for the fiscal year*
10 *ending September 30, 1983."*

11 *(b) The table of chapters of title 44, United States Code,*
12 *is amended by striking out*

"35. Coordination of Federal Reporting Services."

13 *and inserting in lieu thereof*

"35. Coordination of Federal Information Policy."

14 *(c)(1) Section 2904 of title 44, United States Code, is*
15 *amended by striking out paragraph (10) and inserting in lieu*
16 *thereof the following:*

17 *"(10) report to the appropriate oversight and ap-*
18 *propriations committees of the Congress and to the Di-*
19 *rector of the Office of Management and Budget annu-*
20 *ally and at such other times as he deems desirable (A)*
21 *on the results of activities conducted pursuant to para-*
22 *graphs (1) through (9) of this section, (B) on evalua-*
23 *tions of responses by Federal agencies to any recom-*

1 mendations resulting from inspections or studies con-
2 ducted under paragraphs (8) and (9) of this section,
3 and (C) on estimates of lost benefits or savings result-
4 ing from the failure of agencies to implement such rec-
5 ommendations.”.

6 (2) Section 2905 of title 44, United States Code, is
7 amended by redesignating the text thereof as subsection (a)
8 and by adding at the end of such section the following new
9 subsection:

10 “(b) The Administrator of General Services shall assist
11 the Administrator of the Office of Federal Information
12 Policy in conducting studies and developing standards relat-
13 ing to record retention requirements imposed on the public
14 and on State and local governments by Federal agencies.”.

15 SEC. 3. (a) The President and the Director of the Office
16 of Management and Budget shall delegate to the Administra-
17 tor of the Office of Federal Information Policy all their func-
18 tions, authority, and responsibility under section 103 of the
19 Budget and Accounting Procedures Act of 1950 (31 U.S.C.
20 18b).

21 (b) The Director of the Office of Management and
22 Budget shall delegate to the Administrator of the Office of
23 Federal Information Policy all functions, authority, and re-
24 sponsibility of the Director under section 552a of title 5 and

regs for statistical info

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1 *under sections 110 and 111 of the Federal Property and Ad-*
2 *ministrative Services Act of 1949 (40 U.S.C. 757, 759).*

3 *SEC. 4. (a) Section 400A of the General Educational*
4 *Provisions Act (20 U.S.C. 1221-3) is repealed.*

5 *(b) Section 201 of the Surface Mining Control and*
6 *Reclamation Act of 1977 (30 U.S.C. 1211) is amended by*
7 *striking out subsection (e).*

8 *(c) Subsection (f) of section 708 of the Public Health*
9 *Service Act (42 U.S.C. 292h(f)) is repealed.*

10 *(d) Section 5315 of title 5, United States Code, is*
11 *amended by adding at the end thereof the following:*

12 *“Administrator, Office of Federal Information*
13 *Policy, Office of Management and Budget.”.*

14 *SEC. 5. This Act shall take effect on October 1, 1980.*

ILLE

Union Calendar No. 418

96TH CONGRESS
2D Session

H. R. 6410

[Report No. 96-835]

A BILL

To reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes.

FEBRUARY 5, 1980

Referred to the Committee on Government Operations

MARCH 19, 1980

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed